

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

November 23, 2004

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle, Vice-Chair Sammye Woods, and Commissioners A. Roger Abramson, Ray Dayal, Gladys Lozada, and James Utley (6). Also attending were Metro Legal advisor Jason Bergeron, Commission staff members Larry Ennis, Walter Lawhorn and Lisa Steelman, and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the October 26, 2004 meeting were unanimously approved.

Chair Cynthia Odle advised that, because several of the Commissioners had not been reappointed before the October meeting, it would be appropriate to ratify any actions taken by the Commission at that meeting, including election of officers. **Commissioner Ray Dayal** moved to ratify actions taken at the October 26, 2004 Commission meeting. **Commissioner Gladys Lozada** seconded, and the motion was unanimously approved.

PUBLIC HEARING ON APPLICATIONS FOR ADDITIONAL TAXICAB PERMITS

Chair Cynthia Odle stated that there were two applications for additional permits to be considered: United Cab had applied for forty additional permits, and Kennedy Cab had applied for thirty additional permits. She explained that, as part of the annual taxi public hearing, a representative from every company would be asked to appear before the Commission, to answer questions concerning their current permits and operations.

Director Brian McQuiston reported that London Cabs of Nashville, granted contingent approval for a Certificate of Convenience and Necessity by the Commission on March 16, 2004, had not purchased any permits. He told commissioners that company CEO David Preston had informed him during May and June that, because he had been unable to meet the contingency requirements for financial backing, he was no longer seeking to pursue his request for a Certificate. Mr. McQuiston stated that letters mailed to Mr. Preston at the address provided on his application had been returned to sender. **Commissioner Roger Abramson** moved to withdraw the Certificate of Public Convenience and Necessity from London Cabs of Nashville. **Commissioner Ray Dayal** seconded, and the motion was unanimously approved. **Chair Cynthia Odle** directed Mr. McQuiston to attempt to contact Mr. Preston again, to inform him of the Commission's decision.

Mr. Bill Young, owner of Allied Cab, Nashville Cab, and Kennedy Cab companies, appeared before the Commission. He reported that Allied Cab, with one hundred four permits, had ninety-seven vehicles insured, with four more in the paint shop and expected to be insured within the week; that Nashville Cab, with forty permits, had all forty vehicles insured; and that Kennedy Cab, with ten permits, had all ten vehicles insured. **Chair Cynthia Odle** asked Mr. Young if he thought there were enough taxicabs to serve the needs of the community. He stated that, in general, only half of all taxicabs were in service at any given time. Referring to his application, he said that Kennedy Cab needed thirty more vehicles, in order to meet increasing customer demand, specifically for that company. **Commissioner Roger Abramson** asked why thirty permits were necessary; Mr. Young responded that Kennedy Cab, the oldest taxi company in Nashville, had a loyal customer base. He stated that customer demand would support this number, and that twenty additional permits would not be enough for an additional spot at the airport. **Vice-Chair Sammye Woods** asked Mr. Young what the weekly "lick" was for each of his companies; he responded that Allied Cab and Kennedy Cab charged \$150 per week, and Nashville Cab charged \$125 per week. **Chair Cynthia Odle** asked Mr. Young how many taxicabs were company-owned; he responded that there were a total of fifty-six company-owned vehicles in his three companies, five of which were Kennedy Cab taxicabs. He also stated that there were ten vehicle owners on a waiting list to add their vehicles to Nashville Cab.

Mr. Johnny White, co-owner of American Music City Taxi, appeared before the Commission. **Chair Cynthia Odle** asked him to give the Commission an update on the consolidation of American Taxi and Music City Taxi. Mr. White stated that all new vehicles were being painted and lettered with the new logos; vehicles already in service were being rotated in for painting and lettering, with about fifteen Music City vehicles left to be painted. He stated that consolidation of the dispatch systems and operations at the airport were the main hurdles associated with the merger. He reported that American Music City, with ninety-five permits, had ninety-one vehicles insured. Mr. White emphasized that there was a shortage of drivers. He cited the number of drivers who had failed to renew their permits and the drivers' cost of entry into the workforce. He described his company's efforts at recruitment. **Commissioner Ray Dayal** asked Mr. White how his company evaluated drivers; Mr. White responded that the management staff included factors related to how drivers paid their lease payments, inputs from dispatchers, customer complaints or comments, and accidents. When asked how many of his vehicles were owned by the company, Mr. White stated that thirty-one were company-owned, and sixty were owned by drivers. **Vice-Chair Sammye Woods** asked what the weekly "lick" was for his company; Mr. White responded that it was \$150 per week. **Chair Cynthia Odle** asked him for any comments on the need for additional permits. Mr. White told Commissioners that business was already dropping, and that issuance of any additional permits would not only impact on companies, but also on the ability of all drivers to earn a living.

Mr. Richard Lechleiter, owner of Checker Cab, appeared before the Commission. He reported that Checker Cab, with sixty-five permits, had all sixty-five vehicles in service. He stated that all Checker taxicabs were owned by drivers. **Chair Cynthia Odle** asked him for any comments on the need for additional permits. Mr. Lechleiter answered that he had no opinion; that Checker Cab preferred to stay at the medium-size company level. **Vice-Chair Sammye Woods** asked what the weekly "lick" was for his company. Mr. Lechleiter stated that many of his drivers had been "grandfathered in" at low rates; one driver paid no weekly rate, two drivers paid \$30 per week, drivers with thirty years paid \$97.50 per week, and new drivers paid \$140 per week. When asked about coverage of under-served areas, he stated that Checker did not ask its drivers to go into some areas if the situations were perceived as dangerous. **Commissioner Ray Dayal** asked why Checker had not considered adding more permits; Mr. Lechleiter answered that he was satisfied with the current size and management responsibilities of his business.

Mr. Ray Gillespie, owner of Diamond Taxi, appeared before the Commission. **Chair Cynthia Odle** noted that the Commission had approved his request for eleven additional permits at its April 27, 2004 meeting, to meet the minimum standard of fifteen permits required by the ordinance, and that he had committed to fielding those vehicles by the end of November 2004. She asked him to report on the status of his permits. Mr. Gillespie responded that he had purchased the additional permits, but that he still had only three vehicles in service. Mr. Kelvin Jones was invited to appear with Mr. Gillespie. **Chair Cynthia Odle** noted that Mr. Jones had been Interim Director of the Transportation Licensing Commission when Mr. Gillespie had submitted his application, and asked Mr. Jones about the understanding that he had with Mr. Gillespie concerning the requirement to place vehicles in service. Mr. Jones stated that the timetable had been somewhat flexible, but that there was an understanding that Mr. Gillespie would have the vehicles in service by the end of 2004. Mr. Gillespie explained that he had not planned to purchase vehicles, but to expand his fleet by attracting owner-operators to his company. He cited problems with getting commitments from owner-operators, despite incentives he had offered them. He stated that he had recently concluded that he would have to purchase vehicles in order to meet the fifteen-vehicle number. **Commissioner Ray Dayal** asked about what areas his company served; Mr. Gillespie responded that Diamond served primarily North Nashville, but he stated that he often refers customers to other, closer companies if he cannot provide timely service. **Chair Cynthia Odle** noted that Diamond Taxi had consistently provided service to under-served communities. **Commissioner Gladys Lozada** asked Mr. Gillespie how he would expect to attract drivers; he responded that he would charge a "lick" of \$90 per week, lower than other companies, and that he would then have to prove to the drivers that they would get business. He added that he believed there would be contracts available, from which he could get additional business. Mr. Gillespie stated that he would purchase the necessary taxicabs, and asked the Commission to grant him an extension of ninety days to put the cabs in service. **Vice-Chair Sammye Woods** stated that the requirement would include having the vehicles insured. **Commissioner James Utley** asked Mr. Gillespie if he believed he could meet requirements with the extension; Mr. Gillespie responded that he could. **Chair Cynthia Odle** expressed concern that planning to meet the ninety-day extension was too optimistic. **Commissioner James Utley** moved to grant Mr. Gillespie an extension until March 31, 2005 as a final deadline to meet the requirement. **Vice-Chair Sammye Woods** seconded, and the motion was unanimously approved.

Mr. Kuldip Singh, general manager of United Cab, appeared before the Commission. He reported that United Cab, with thirty permits, had all thirty vehicles in service; and that sixteen of these were owned by the company. **Vice-Chair Sammye Woods** asked what the weekly “lick” was for United Cab. Mr. Singh responded that it was \$120 per week. **Chair Cynthia Odle** asked him why United Cab had applied for forty additional permits. Mr. Singh stated that he intended to field new digital dispatch technology, which would improve productivity and responsiveness, and set a higher standard for the taxi industry in Nashville. He explained the system to be fielded, and noted that the optimum size of company for implementation of the system was seventy vehicles. **Chair Cynthia Odle** asked Mr. Singh if the company would pay for the new systems, or expect owner-operators to provide them. He responded that the company would purchase the equipment, and added that the additional permits would be necessary for United Cab to make the financial investment. **Commissioner Gladys Lozada** asked if the systems would also be installed in the current thirty vehicles; Mr. Singh responded that it would be installed in all seventy vehicles. **Commissioner Roger Abramson** asked if United Cab was experiencing problems with driver shortages; Mr. Singh responded that he had been successful in recruiting drivers, and anticipated no problems with having enough drivers for the additional vehicles. **Chair Cynthia Odle** asked if the company would buy the additional vehicles. Mr. Singh responded that they would be supplied by owner-operators or by the company, but that the company would ensure that its commitments would be met.

Mr. Doug Trimble, Manager of Yellow Cab, appeared before the Commission. He reported that Yellow Cab had ninety-three permits, and ninety-three vehicles in service; all were owned by owner-operators. He stated that his company was experiencing no difficulty in getting drivers, but that he did not believe there was sufficient demand to justify additional permits. He also stated that he did not believe either East Nashville or North Nashville was under-served; and that customer loyalty was based on good service and response time, not on brand or company name. **Vice-Chair Sammye Woods** asked Mr. Trimble what the weekly “lick” was for Yellow Cab; he responded that it averaged \$145 per week.

Commissioner Roger Abramson moved that the Commission hear comments on the two requests for additional permits separately. **Vice-Chair Sammye Woods** seconded, and the motion was unanimously approved.

Public Comment on United Cab Request: **Chair Cynthia Odle** opened the hearing on the United Cab request for forty additional permits for public comment.

David Lamprecht, Checker Cab driver, stated that he has been driving at night for fifteen years. He believed there was no need for additional cabs now.

Dahir Abdi, driver, stated that he supported the United Cab request. **Chair Cynthia Odle** asked him if he drove for United Cab; he responded that he did not.

Paul Stewart, American Music City Taxi driver, stated that growth of the taxi industry should be directly related to the growth of the general population and of tourism. He provided statistical information from the Chamber of Commerce, indicating that the growth of the taxi industry through additional permits issued by the Commission had been exceeding the growth rates of population and tourism. He did not support any additional permits.

Ali Bokhari, United Cab taxi owner, said he had driven for two years, and then bought ten cabs to make a decent living for himself and provide jobs to others. He stated that United had to turn calls over to other companies because it does not have enough cabs. He supported the additional permits.

Charles French, citizen, stated he was in support of the United Cab request, because the company was trying to improve customer service and technology.

Charles Walker, attorney representing the Tennessee Taxi Drivers Association, stated that the consensus of his clients was that increasing the number of permits would hurt drivers.

Tracey Perger, driver and President of the Tennessee Taxi Drivers Association, stated that the number of permitted drivers did not meet the number of permitted vehicles. She stated that there were only two times during the year when the taxi industry is maximized. She stated her opposition to any additional permits being issued.

Mattie Nichols, Yellow Cab driver, stated that she had been a driver for thirty-seven years. She said that business was slow, and she opposed any more permits.

Johnny White, American Music City Taxi owner, stated that there were not enough drivers to meet current needs; that vehicles and drivers were simply migrating from company to company. He opposed issuing the additional permits.

Doug Trimble, Yellow Cab manager, stated that 60% of Yellow Cab drivers work during the day, and 40% work at night. He said there was ample coverage now, and opposed issuing any more permits.

Eddie Cravens, United Cab driver, stated that he didn't know what problems other companies' drivers were experiencing, but that his business had been good. He said that United Cab couldn't meet demand now, and needed more cabs.

James Tomlinson, Checker Cab driver, said that he had driven for United Cab from October 2003 until February 2004, and that United did not have a dispatch service.

Donald Dickerson, Yellow Cab driver, stated that he had been a driver for twenty years, and there was not as much business as there had been in years past.

Chair Cynthia Odle closed the public hearing on the United Cab request for additional permits. She asked Mr. Singh about his current dispatch operation; He responded that his dispatch office was still at the company's Murfreesboro Road address. **Commissioner Roger Abramson** asked Mr. Singh whether a lesser number of additional permits might be more prudent. Mr. Singh responded that he was willing to take the risk; if he was unable to make his plan work, the permits would simply come back to the Commission. **Commissioner James Utley** moved to grant the forty additional permits. **Commissioner Ray Dayal** seconded. **Commissioner Roger Abramson** noted that the Commission staff was already stressed to inspect the current fleet. After some discussion, **Commissioner James Utley** amended his motion; to approve the additional forty permits, with a requirement to have the vehicles in service by March 23, 2005, and to have the technology in operation by May 23, 2005. **Commissioner Ray Dayal** seconded, and the motion was approved (4-1). **Chair Cynthia Odle** asked Mr. Singh to work closely with the Commission staff, to ensure that vehicles would be inspected and brought on line in a measured and orderly manner.

Public Comment on Kennedy Cab Request: **Chair Cynthia Odle** opened the hearing on the Kennedy Cab request for thirty additional permits for public comment.

Tracey Perger, driver and President of the Tennessee Taxi Drivers Association, restated her opposition to any additional permits being issued, based on reduction in business for taxi drivers in recent years, and asked the Commission to consider the comments already offered by other drivers opposing any more permits.

Charles Walker, attorney representing the Tennessee Taxi Drivers Association, restated that increasing the number of permits would unfairly harm drivers.

There being no other public comments, **Chair Cynthia Odle** asked the Commissioners if there was any discussion. **Commissioner Roger Abramson** moved to grant Kennedy Cab an additional five permits, to come into compliance with the minimum requirement for fifteen permits in the ordinance. **Commissioner Gladys Lozada** seconded, and the motion was unanimously approved.

Chair Cynthia Odle closed the public hearing.

DRIVER APPLICATIONS

Harold E. Pointer – Taxi Driver Application: Mr. Pointer appeared before the Commission with his counsel, Ms. Jeanelle Simmons. Mr. McQuiston explained that Mr. Pointer, a new applicant, had been issued a temporary driver permit; but that his background check had revealed two felony convictions for drug-related offenses since August 1996, and he was disqualified for a permit. Mr. Pointer stated that his parole officer had encouraged him to apply for a taxi driver permit, because he believed Mr. Pointer would meet the qualifications requirements. Ms. Simmons appealed to the Commission to consider Mr. Pointer's drug-free record in recent months, and stated that he was willing to undergo random drug testing. **Chair Cynthia Odle** explained that the taxi ordinance was clear: two felony convictions within the past ten years disqualify an applicant from receiving a taxi driver permit. **Vice-Chair Sammye Woods** moved to ratify staff action on disqualifying Mr. Pointer for a permit. **Commissioner Gladys Lozada** seconded, and the motion was unanimously approved.

Terry L. Jones – Wrecker Driver Application: Mr. Jones appeared before the Commission with Mr. Mike Myers of City Towing. **Chair Cynthia Odle** noted that Mr. Jones' criminal record showed a number of stolen property convictions, as well as a history of drug use. Mr. Jones admitted to using drugs in the past, and that he had stolen property to support that habit. He stated that he had not used drugs since being married in January 2004, and that he was subject to random drug testing for the next two-and-a-half years, as part of his parole. Mr. Myers stated that Mr. Jones had been working for over two months at City Towing, in a non-driving capacity, and had proved to be a good employee. He added that City Towing also required random drug testing. **Commissioner Ray Dayal** moved to grant Mr. Jones a six-month temporary permit, restricted to City Towing; if he had no further problems during that time, then these restrictions could be lifted. **Commissioner Gladys Lozada** seconded, and the motion was unanimously approved.

December 2004 Meeting: Chair **Cynthia Odle** noted that the regular meeting for December 2004 was scheduled for December 28, and asked Commissioners if this date would be a problem to ensure a quorum. After some discussion, **Commissioner Roger Abramson** moved to change the meeting date to December 21. **Commissioner Gladys Lozada** seconded, and the motion was unanimously approved.

January 25, 2005	
February 22, 2005	
March 22, 2005	
April 26, 2005	
May 24, 2005	
June 28, 2005	Annual Wrecker Hearing
July 26, 2005	
August 23, 2005	
September 27, 2005	
October 25, 2005	
November 22, 2005	Annual Taxi Hearing
December 27, 2005	

Cynthia M. Odle
Chair